

Attorney's Docket No.: 14923.0024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.
Serial No.: 10/893,524
371 Filing Date: November 4, 2005
Title: *Composition*

Art Unit: 2829
Examiner: Unassigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

1. I am Inez Barbara Rademacher, Project manager R&D Danisco Deutschland GmbH; Inventor of Patent and technical support for the depositing of strain at DSMZ
2. I have personal knowledge that the microbial strain, *Lactobacillus sakei* 570, which was deposited as DSM 15889 on September 8, 2003, is the microbial strain *Lactobacillus sakei* 570, specifically identified in Example 6-9 on page 47, line 17 to page 50, line 24 of PCT/GB 2003/003436 as filed on August 6, 2003.
3. I have enclosed copies of the receipt of the deposit of *Lactobacillus sakei* 570 and a copy of PCT/GB 2003/003436.
4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 03. April 2007

Inez B. Rademacher
Inez Barbara Rademacher

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

DSMZ Mascherode Weg 1b D-38724 Steintorweg

Danisco Specialties
Danisco Niebüll GmbH
Inez Rademacher
Busch-Johannsen-Str. 1
25899 Niebüll

Ihr Zeichen / Your ref.

Unser Zeichen / Our ref.
P-151 03/W

Tel.
0531/2818-

254

Datum / Date

2003-09-08

www.dsmz.de

Re.: Deposit of microorganisms according to the Budapest Treaty

Enclosed please find our Receipt and Viability Statements for the strain

Lactobacillus sakei DC 570 = DSMZ 15889

and our invoice No. 2305628.

Sincerely yours,



Dr. Vera Weiss

DSMZ-Deutsche Sammlung von Mikro-
organismen und Zellkulturen GmbH

Further notes: After preservation of the strain you will receive samples for identity checking.

Geschäftsbereich
Prof. Dr. Eike Strohmann
Leitungsbereich
Dr. Dr. J. Strohmann

Rezeptionsbereich
Niedrigdruckdruckerei, Kap.-Nr. 2105 225 012 250 500 000
SMZ/NOUAD2H
Rezeptionsbereich, Kap.-Nr. 1060 28 - 106 012 250 100 000

Rezeptionsbereich
Kontrollbereich
HFB 210

DSMZ - Mascherode Weg 1b
D-38724 Steintorweg - Germany
Tel./fax: 0531/2818-0
Telefax: 0531/2818-118
E-mail: help@dsMZ.de
URL: <http://www.dsmz.de>

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Danfisco A/S
Langebrogade 1
PO Box 17
DK-101 Copenhagen K

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
Issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified in the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: DC 578	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSMZ 15889
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on: 2003-09-02. (Date of the original deposit)	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depositary Authority on: _____ and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on: _____ (Date of original deposit) (Date of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Marchfelder Weg 17 D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): V. Weitz Date: 2003-09-03

Where Rule 6.4(d) applies, such date is the date on which the stamp of international depositary authority was acquired.

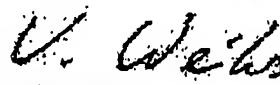
BUDAPESTER VERTRAG ÜBER DIE INTERNATIONALE
ANERKENNUNG DER HINTERLEGUNG VON MIKROORGANISMEN
FÜR DIE ZWECKE VON PATENTVERFAHREN

DSMZ
Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONALES FORMBLATT

Danisco A/S
Langebrogade 1
PO Box 17
DK-101 Copenhagen K

LEBENSFÄHIGKEITSPRÜFUNG
gemäß Regel 10.2 von der unterzeichneten
INTERNATIONALEN HINTERLEGUNGSSTELLE

I. IDENTIFIZIERUNG	II. KENNZEICHNUNG DES MIKROORGANISMUS
Name: Danisco A/S Anschrift: Langebrogade 1 PO Box 17 DK-101 Copenhagen K	Von der INTERNATIONALEN HINTERLEGUNGSSTELLE zugewiesen: DSMZ 13889 Datum der Hinterlegung oder Weiterleitung: 2003-09-02
III. LEBENSFÄHIGKEITSPRÜFUNG	
Die Lebensfähigkeit des unter II genannten Mikroorganismus ist am 2003-09-02 geprüft worden. Zu diesem Zeitpunkt war der Mikroorganismus (x) lebensfähig () nicht mehr lebensfähig	
IV. BEDINGUNGEN, UNTER DENEN DIE LEBENSFÄHIGKEITSPRÜFUNG DURCHFÜHRT WORDEN IST	
V. INTERNATIONALE HINTERLEGUNGSSTELLE	
Name: DSMZ DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Anschrift: Marchionni Weg 19 D-33129 Neanderhöhe	(Unterschriften) der zur Vertretung der internationalen Hinterlegungsstelle befugten Person(en) oder der/dies von ihr ernannten Personen:  Datum: 2003-09-08

Angabe des Datums der Prüfungsführung. Wenn eine zweite Hinterlegung oder eine Weiterleitung vorgeschrieben worden ist, Angabe des Datums der jeweils letzten erneuten Hinterlegung oder Weiterleitung.
 In der in Regel 10.2 des Statuts in Artikel II des in vorgerichtetem fälligen Angabe der letzten Lebensfähigkeitsprüfung.
 Zusätzliche Angaben.
 Anmerkungen, wenn die Angaben unvollständig sind und wenn die Ergebnisse der Prüfung nicht mitgeteilt werden.



Attorney's Docket No.: 14923.0024

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Title: *Composition*

Art Unit: 2829
Examiner: Unassigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

1. I am Inez Barbara Rademacher, Project manager R&D Danisco Deutschland GmbH; Inventor of Patent and technical support for the depositing of strain at DSMZ
2. I have personal knowledge that the microbial strain, *Leuconostoc mesenteroides* 808, which was deposited as DSM 15792 on July 23, 2003, is the microbial strain specifically identified in Examples 1 through 7 on page 34, line 4 to page 37, line 14 of GB Patent Application No. 0218241 as filed on August 6, 2002 and in Examples 1 through 7 on page 34, line 4 to page 37, line 14 of U.S. Provisional Application Serial No. 60/413,727 as filed on September 26, 2002.
3. I have enclosed copies of the receipt of the deposit of *Leuconostoc mesenteroides* 808, a copy of GB Patent Application No. 0218241 and a copy of U.S. Provisional Application Serial No. 60/413,727.
4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 03. April 2007

Inez B. Rademacher
Inez Barbara Rademacher

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH



DSMZ Mascheroder Weg 1b D-38124 Braunschweig

Danisco Niebüll GmbH
Busch-Johannsen Str. 1
25899 Niebüll

Ihre Zeichen / Your ref.

Unser Zeichen / Our ref.

Tel.

05 31 / 25 15 -

Datum / Date

P133 03

254

25. Juli 2003

vew@dsMZ.de

Hinterlegung von Mikroorganismen nach dem Budapester Vertrag

Sehr geehrte Damen und Herren,

beiliegend erhalten Sie unsere Aufnahmebestätigung und Lebensfähigkeitsbescheinigung für

Leuconostoc mesenteroides DC 808

DSMZ 15792

Lactobacillus plantarum DC 853

DSMZ 15793

Lactobacillus salivarius DC 1502

DSMZ 15794

sowie unsere Rechnung No. 2304772.

Freundliche Grüße

V. Weihs

Dr. Vera Weihs

DSMZ-Deutsche Sammlung von Mikro-
organismen und Zellkulturen GmbH

Weitere Mitteilung: Nach der Konservierung der Stämme erhalten Sie Proben zur Überprüfung zugesandt.

Geschäftsbereich
Prof. Dr. Erko Stockmarr
Ausschreibungszentrum
NR 10 Axel Kufelbach

Bankkonto
NORDLB Braunschweig, ALB-Nr. 2 059 220 BLZ 250 100 000
Konto-Nr. 0446 24
Postbank Hauptkto-Nr. Nr. 1000 00 250 100 000 000

Rechnungsbereich
Antragsteller Braunschweig
NRB 0170

DSMZ - Mascheroder Weg 1b
D-38124 Braunschweig, Germany
Telefon 05 31 / 25 15 - 0
Telefax 05 31 / 25 15 - 1 0
Internet info@dsMZ.de
URL <http://www.dsmz.de>

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Denison Niebüll GmbH
Busch-Johannsen Str. 1
25899 Niebüll

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
(issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page)

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: DC 808	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSMZ 15792
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under I. above was accompanied by:</p> <p>() a scientific description (x) a proposed taxonomic designation (Mark with a cross where applicable).</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism classified under I. above, which was received by it on 2003-07-23 (Date of the original deposit).</p>	
IV. RECEIPT OF REQUEST FOR CONVERSION	
<p>The microorganism identified under I. above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MICROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Mascheroder Weg 1b D-38124 Braunschweig</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s)</p> <p><i>V. Weis</i></p> <p>Date: 2003-07-25</p>

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of International Depositary Authority was acquired.


**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

DSMZ
Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Danisco Niebüll GmbH
Busch-Johannsen Str. 1
25899 Niebüll

VIABILITY STATEMENT
issued pursuant to Rule 10.3 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Danisco Niebüll GmbH Busch-Johannsen Str. 1 Address: 25899 Niebüll	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 15792 Date of the deposit or the transfer: 2003-07-23
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 2003-07-23 . On that date, the said microorganism was <input checked="" type="checkbox"/> (x) viable <input type="checkbox"/> () no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED*	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Messebrüder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 2003-07-25

- * Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
 * In the cases referred to in Rule 10.3(a) (ii) and (iii), refer to the most recent viability test.
 * Mark with a cross the applicable box.
 * Fill in if the information has been requested and if the results of the test were negative